



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, September 14, 2011

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, Van Pearlberg,
Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager
Douglas R. Haynie, City Attorney
Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:04 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Rev. Anthony Coleman to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Tumlin asked everyone to remain standing for the pledge of allegiance.

PRESENTATIONS:

20110735

State Water Award

Presentation to Kim Holland, Project Manager, Water Department, of the Charles H. Jones Award given by the Georgia Association of Water Professionals (GAWP), "in recognition of extraordinary service and contributions to the Water Environment Federation and the Georgia Association of Water Professionals."

Presented

20110794 ESRI International Special Achievement in GIS Award (Emergency Management)

Recognition of the City of Marietta's Geographic Information Services Department for winning the "Special Achievement in GIS Award" at the International ESRI User's Conference. The SAG award is given out to organizations in acknowledgement of their efforts to build innovative and intelligent applications of geographic information system (GIS) technology. This is the second SAG award that the GIS Department has won and they are the only Georgia agency that has ever received two awards.

Presented**PROCLAMATIONS:****20110817 Proclamation - Clean Water Week**

Kim Holland receives a Proclamation declaring October 9-15, 2011 as Clean Water Week in the City of Marietta to focus on the preservation of our water resources.

Proclamation Read**20110818 Proclamation - Public Power Week**

Karmen Scarbro receives a Proclamation declaring October 9-15, 2011 as the 25th annual Public Power Week in order to celebrate the benefits and contributions of hometown utilities to the community.

Proclamation Read**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

Larry Wills, who resides at 60 Oakmont Drive, expressed concern regarding the following agenda items: 20110778, Property Acquisition 268 Lawrence Street and 20110779, Leasing of 268 Lawrence Street.

Bret Bittner, who resides at 422 Alexander Circle, spoke as a citizen of Marietta and Libertarian Party of Cobb County Vice Chairman. Mr. Bittner thanked Council for approving the Resolution recognizing Constitution Day and Constitution Week in the City of Marietta.

Matt Godown, who resides at 222 Austin Ave, spoke regarding the road-work being done on his street by Public Works. Mr. Godown stated that he and other residents of Austin Ave wanted the road completely re-paved once the work has been completed.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Tumlin called upon Mayor Pro tem, Johnny Sinclair, to preside over this portion of the meeting. Mayor Pro tem Sinclair briefly explained the consent agenda process. The following amendments were made to the consent agenda:

A motion was made by Council member King, seconded by Council member Lewis, to add an item to the consent agenda regarding Agreement for Livable Centers Initiative Project between Department of Transportation State of Georgia and City of Marietta for the construction of the Roswell Street Streetscapes Phase I. The motion carried by the following vote:

*Vote: 7 - 0 - 0 Approved
(See agenda item 20110874)*

Mayor Pro tem Sinclair opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

-under City Council Appointments: Agenda item 20110700 was amended to read, "Appointment of Patrick Thompson to the Planning Commission (Ward 3)..."

A motion was made by Council member Coleman, seconded by Council member Lewis, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved
*with the following exceptions:
Council member Lewis abstaining on agenda items 20110778 and 20110779.
Council member King voting against agenda item 20110796.*

MINUTES:

* **20110807 Regular Meeting - August 10, 2011**

Review and approval of the August 10, 2011 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

- * **20110866** **Board of Zoning Appeals Appointment**
- Reappointment of Neil Bishop to the Board of Zoning Appeals (Ward 7) for a three year term, beginning October 9, 2011 and expiring October 8, 2014.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
-
- * **20110867** **Marietta Historic Preservation Commission**
- Reappointment of Tom Samples to the Marietta Historic Preservation Commission (Ward 7) for a three year term, beginning upon approval and expiring September 14, 2014.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**
-
- * **20110700** **Planning Commission Appointment**
- Appointment of Patrick Thompson to the Planning Commission (Ward 2) for a term of three years, expiring on September 14, 2014.
- "Appointment of Patrick Thompson to the Planning Commission (Ward 3)..."*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved as Amended**
-
- * **20110653** **Board of Zoning Appeals Appointment**
- Reappointment of James K. Lowman to the Board of Zoning Appeals (Ward 2) for a three year term beginning immediately and expiring on September 13, 2014.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0** **Approved**

ORDINANCES:

20110696 Z2011-11 Lori Parker, Executive Director Cobb Pregnancy Services 47 Gramling Street

[Ord 7555](#) Z2011-11 [Special Land Use Permit] Lori Parker, Executive Director, Cobb Pregnancy Services request a Special Land Use Permit for property located in Land Lot 02180, District 17, Parcel 0340, 2nd Section, Marietta, Cobb County, Georgia and being known as 47 Gramling Street with variances as stated in the Ordinance.

Mayor Tumlin opened the public hearing. City Attorney Douglas Haynie explained the rules of order and swore in those wishing to speak.

Lori Parker, Executive Director Cobb Pregnancy Services, rezoning request for property located at 47 Gramling Street to build a new building on the site in order to expand their services. Mr. Jim Croft, Architect for the project, presented the site plan for the new building and presented the reasons for the variance requests.

Discussion was held regarding the buffer requirements, parking and the right-of-way along Powder Springs Street.

Mayor Tumlin closed the public hearing.

Motion to approve with the following variances and stipulations incorporated as conditions of zoning:

- 1. Variance to reduce the buffer from 30' to 5' along the majority of the eastern property line; and to reduce the buffer from 30' to 0' along that portion of the eastern property line that is impacted by the neighboring driveway encroachment, as identified on the site plan dated September 6, 2011. [Section 708.23 (I)]*
- 2. Variance to reduce the buffer from 30' to 10' along the northern property line adjacent to residential property, with a stipulation that one row of evergreen trees be provided, however, where the access easement is shown on the northern property line, the buffer would be reduced to 0'; and a variance to waive the requirement that a privacy fence generally required to be included as part of said buffer, as identified on the site plan dated September 6, 2011. [Section 708.23 (I)]*
- 3. No parking will be located within the proposed right-of-way for Powder Springs Street and parking spaces will be moved to the east. A variance is granted for any trees that may be lost as a result of moving the parking toward the east.*
- 4. The modified rendering of the building and site plan, signed and dated by the applicant, are hereby incorporated as a condition of the zoning.*

A motion was made by Council member Sinclair, seconded by Council member Lewis, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Stipulated

* 20110707

Z2011-13 City of Marietta (Custer Park) 596, 597, 603, 611 and 600 Kenneth E. Marcus Way

[Ord 7556](#)

Z2011-13 [REZONING] CITY OF MARIETTA (CUSTER PARK) request rezoning with variances as stated in the Ordinance for the following properties: Land Lot 10900, District 16, Parcel 0910, 596 Kenneth E. Marcus Way, CRC to OI; Land Lot 10900, District 16, Parcel 0900, 597 Kenneth E. Marcus Way, CRC to OI; Land Lot 10900, District 16, Parcel 1050, 603 Kenneth E. Marcus Way, PRD-MF to OI; Land Lot 10900, District 16, Parcel 1000, 611 Kenneth E. Marcus Way, PRD-MF to OI; Land Lot 10910, District 16, Parcel 0390, 600 Kenneth E.

Marcus Way, R-4 to OI. Ward 5.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

RESOLUTIONS:

- * **20110871** Adoption of Resolution recognizing September 17, 2011 as U.S. Constitution Day and September 17- 23, 2011 as U.S. Constitution Week in the city of Marietta.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

- * **20110678** **Section 8 Management Assessment Program (SEMAP) FY2011 Certification**

Approval of a Resolution authorizing the acceptance of the Section 8 Management Assessment Program (SEMAP) Certification for FY 2011.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

- * **20110772** **2011 HUD Sustainable Communities Regional Grant**

Motion to authorize City of Marietta Department of Development Services staff to apply for a 2011 HUD Sustainable Communities Regional Planning Grant through the Atlanta Regional Commission.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

2. Finance/Investment: Annette Lewis, Chairperson

- * **20110778** **Property Acquisition 268 Lawrence Street**

[Ord 7553](#)

Approval of an Ordinance amending the FY2012 General Fund, Section 8 Fund and Marietta Housing Fund budgets to account for the purchase of property.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1 Approved

Abstaining: Annette Lewis

* **20110779 Leasing of 268 Lawrence Street**

Motion approving a one-year lease agreement between the City of Marietta and CHI for a portion of 268 Lawrence Street.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1 Approved

Abstaining: Annette Lewis

* **20110780 Amendment to FY2011 Budget**

[Ord 7551](#)

Approval of an Ordinance amending the Fiscal Year 2011 Budget to recognize and appropriate excess revenue in the Gone with the Wind Museum Fund for special event expenses; to recognize and appropriate excess revenue in the Tourism Funds for distribution; to reimburse the General Fund and Gone with the Wind Fund for the occupancy expense for FY08, FY09, FY10 for 18 Whitlock Avenue; and to use surplus funds in the General Fund to transfer to the Fleet Fund for the fire truck, and to purchase a sanitation truck, fire breathing apparatus and other capital equipment.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20110783 Homeland Security Grant**

[Ord 7554](#)

Approval of an Ordinance amending the Fiscal Year 2012 budget to accept a Homeland Security Grant to enhance local homeland security through the connection to the state's Mobile Biometric Fingerprint Identification (RapidID) System.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20110793 Fleet and Public Safety Capital Acquisitions**

[Ord 7552](#)

Approval of an Ordinance amending the Fiscal Year 2012 budget to appropriate Fleet Maintenance Fund reserves to purchase capital equipment and to accept and appropriate insurance reimbursement revenue to use toward the purchase of a patrol vehicle, and to accept a grant from FEMA to purchase fire safety equipment.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20110796 NLC Congress of Cities and Exposition**

Motion approving travel and training expenses for Mayor and Council members who wish to attend the NLC 2011 Congress of Cities and Exposition in Phoenix, AZ, November 9-12, 2011.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 – 0

Approved

Voting Against: Jim King

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

*** 20110792 Tennis Court Resurfacing at Laurel Park and Lewis Park**

Approval of a motion authorizing funding from the 2009 Parks Bond for resurfacing of tennis courts at Laurel Park and Lewis Park with funding from the associated line items for those parks in the Improvements to Existing Parks Category.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20110767 Group Health Plan Administration**

Motion approving the renewal for the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2012. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20110795 NLC Annual Congress of Cities Business Meeting**

Motion appointing Council Member Annette Lewis as voting delegate and Council Member Johnny Sinclair as alternate voting delegate for the National League of Cities (NLC) Congress of Cities' Annual Business Meeting to be held November 12, 2011 in Phoenix, AZ.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20110758 Standard Operating Procedures**

Motion approving revisions to standard operating procedures A019 Risk Analysis Board, A030 Code of Conduct, A034 Budget and Fiscal Management, A041 Organizational Structure, A050 Secondary Employment, A073 Building Security, A082 Performance Evaluations, P041 Pursuit of Motor Vehicles.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

7. Public Works Committee: Jim King, Chairperson

*** 20110763 Fee Schedule for Roll Carts**

Motion to remove the roll cart deposit from the Sanitation Service Rate Schedule, update the Fee Chart to reflect the updated Sanitation Service Rate Schedule, and to refund customers' roll cart deposits. Motion further authorizing Public Works to provide roll cart service when accepted by an HOA or a group of residents when Public Works determines the service can be managed using existing resources.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20110764 Pine Street One Way**

Request to make Pine Street one way near Allgood Elementary School.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20110689 Traffic Calming Devices**

Motion adopting prioritization criteria for proposed traffic calming projects and directing Public Works to develop a ranked project list for council consideration.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

APPEARANCES:**OTHER BUSINESS:***** 20110809 BLW Actions of September 12, 2011**

Review and approval of the September 12, 2011 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20110874 Agreement for Livable Centers Initiative Project between Department of Transportation State of Georgia and City of Marietta**

Motion to approve the Agreement for Livable Centers Initiative Project between Department of Transportation State of Georgia and City of Marietta for the construction of the Roswell Street Streetscapes Phase I.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

UNSCHEDULED APPEARANCES:**ADJOURNMENT:**

The meeting was adjourned at 8:06 p.m.

Date Approved: October 12, 2011

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk